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# APPENDIX G

## GLOSSARY

### **401(k) plan**

A retirement plan, sponsored by an employer, in which an individual employee contributes a portion of his or her salary for investment for retirement. Employers often contribute matching funds to employee 401(k) plans.

### **Account, accounting, account and report**

These terms refer to the duty of a **conservator of the estate** to **file** with the court a detailed report of his or her administration of the **conservatee's estate**. In this handbook, the terms *account* and *account and report* refer to the entire document that must be filed with the court, including a narrative report of the conservatee's current circumstances and the schedules of income and expense and property on hand that show the financial condition of the conservatee's estate. *Account* is also used as a verb, as in "the conservator's duty to *account* to the court." The term *accounting* refers to the schedule portion of the account and report.

### **Account current**

An **account** filed by a **conservator of the estate** that is not the last account filed at the end of the conservator's service or at the end of the conservatorship. See **final account**.

### **Advance health care directive**

An instruction by a patient concerning a health care decision. There are two general types of directives. The first, an *individual health care instruction*, may be oral or in writing. The second, a **power of attorney for health care**, must be in writing and must meet other format and content requirements. A written advance health care directive may include a nomination of the patient's **conservator**.

<b>Aide</b>	A person hired to help someone who needs assistance with dressing, grooming, bathing, shopping, cooking, eating, moving around, washing clothes, or taking medicine. Aides also are referred to as attendants, in-home aides, in-home assistants, caregivers, care providers, companions, companion aides, chore workers, home health aides, homemakers, housekeepers, LVNs, live-ins, and nurse's aides.
<b>Allowance</b>	A sum of cash that the court has authorized the <b>conservator</b> to provide to the <b>conservatee</b> periodically, usually monthly. Once the allowance has been paid to the conservatee, the <b>conservator of the estate</b> is no longer responsible for it and does not have to show in an account what the conservatee did with the allowance money.
<b>Assessment</b>	An evaluation of a <b>conservatee's</b> needs for care and assistance, performed by a team of professionals with specialties such as health, aging, and social work. The team evaluates the person's short-term and long-term memory and considers the conservatee's ability to make decisions and to carry out daily living activities.
<b>Assets</b>	A <b>conservatee's</b> property, including bank accounts, real estate, stocks, bonds, cars, furniture, jewelry, and other personal belongings.
<b>Attorney in fact</b>	A person appointed by the <b>principal</b> to act for the principal under a <b>power of attorney</b> . Also called an <b>agent</b> .
<b>Beneficiary</b>	A person or organization legally entitled to receive benefits under a legal document such as a will, a trust agreement or declaration of trust, or a life insurance policy.
<b>Blocked account</b>	A special kind of bank account often set up in a conservatorship. A withdrawal can't be made from a blocked account unless a court has authorized it. Judges sometimes require a <b>conservator</b> to establish blocked accounts to hold all or part of a <b>conservatee's</b> cash assets. A conservator may also, with the permission of the court, elect to set up a blocked account. This is often done to reduce the size and cost of a <b>bond</b> , as money in a blocked account is not counted in setting the amount of the bond.

<b>Bond</b>	A promise to the court in a conservatorship matter made by a special kind of insurance company, called a <b>surety company</b> , to reimburse a <b>conservatee's estate</b> for losses resulting from intentional wrongdoing or mismanagement by the <b>conservator</b> . The surety company reimburses the estate for such losses up to the amount of the bond and then goes after the conservator's personal assets to recover the amount paid. The judge almost always requires a <b>conservator of the estate</b> to obtain a bond.
<b>Care facility</b>	Rest homes, group homes, nursing homes, and convalescent hospitals are care facilities. There are several types of care facilities, each offering a different level of services. The most common care facilities are <b>board-and-care homes</b> , which provide a room, meals, and personal care assistance and supervision, and <b>skilled-nursing facilities</b> , which provide a room, meals, personal hygiene assistance, and round-the-clock nursing services.
<b>Case management, case manager</b>	A service, often performed by a gerontologist, social worker, nurse, or another professional, the <b>case manager</b> . This service includes assessing a conservatee's social, mental, emotional, health, and personal care needs; helping a conservator find and arrange services to meet those needs; monitoring the situation to make changes as needed; and working to coordinate the services of various agencies and individuals.
<b>Certified copy</b>	<p>A copy of a document filed with a court, to which the court clerk has attached a <b>certificate</b>, a statement saying that the original of the document has been filed with the court and that the copy is a true and correct copy of the original. A certified copy of a document filed with a court is often required by government agencies and others as proof that the original document exists and has been filed.</p> <p>The clerk charges a fee for providing the copy or comparing a copy provided by someone else with the original, completing the certificate, and affixing the court's seal to the copy. The seal is either a crimp seal or is in purple ink so a photocopy of a certified copy can be detected.</p>
<b>Commissioner</b>	A judicial officer appointed by the court to perform a variety of functions. Commissioners often conduct hearings, supervise the <b>probate court's</b> staff, and assist judges in conservatorship and other probate proceedings.

**Community property** A type of joint and equal ownership of property by married persons in California. The most common type of community property is property acquired with a husband's or a wife's earnings while they are married to each other and are living together in California. However, the term also includes assets that a married couple has agreed are community property. Community property is not *separate property*.

Separate property is property that a person acquired before marriage or that he or she receives as a gift or inheritance during marriage. Separate property also includes property that a married couple has agreed is the separate property of one of them. A married couple can agree to change community property into separate property, and vice versa, but their agreement must be in writing and must satisfy other legal requirements.

**Consent, consent to medical treatment**

A patient must consent, or agree, that a medical treatment or procedure may be given to or performed on the patient after he or she has been sufficiently informed by qualified persons about the treatment or procedure, including its risks. Doctors and hospitals may ask a patient to sign a consent form to show that a full explanation of a recommended treatment or procedure has been given and that the patient has agreed to the treatment or procedure. A court may decide that a patient who is a **conservatee** does not have the capacity to give an informed consent to a medical treatment or procedure. In that event consent to the treatment or procedure may be given by the patient's **conservator of the person**, and he or she may sign a consent form on behalf of the patient. See **exclusive authority**.

**Conservatee**

A person whom a judge has decided is unable to care for himself or herself or to manage his or her own financial affairs and for whom a **conservator** has been appointed.

**Conservator**

A person or organization appointed by a judge to arrange for a **conservatee's** personal care, to manage the conservatee's finances, or both.

**Conservator of the estate**

A person or organization appointed by a judge to manage the financial affairs of another person (the **conservatee**) whom a judge has decided is unable to do so.

**Conservator of the person**

A person or organization appointed by a judge to provide for the personal care and protection of another person (the **conservatee**) whom a judge has decided is unable to do so.

**Conservatorship estate**

A **conservatee's income** and **assets** managed by a **conservator of the estate**.

**Conservatorship plan**

A formal or informal document that contains a systematic assessment of the conservatee's needs and a plan to meet those needs, based on the conservatee's physical and mental condition at present and for the foreseeable future and the resources available from the conservatee's estate and other available sources to finance the plan.

**Court investigator**

An investigator employed by the court to assist judges in conservatorship cases. He or she visits and speaks with people involved in a conservatorship, including the proposed **conservatee** and the proposed **conservator**, and reports his or her findings back to the court. Once a conservatorship has been started, the court investigator will visit the conservatee periodically to see how things are going. A court investigator is also sometimes called a *probate investigator*.

**Decedent's estate**

A type of judicial proceeding in the **probate court** in which the affairs of a person who has died, the **decedent**, are wound up, his or her debts and taxes are paid, and his or her remaining property is distributed to the persons or organizations entitled to it under his or her will, or, if there is no will, as provided by law. Decedent estate proceedings are sometimes called *probate estates* or simply *probates*.

**Deferred compensation**

A type of retirement plan, in which an employee agrees to defer receipt of a portion of his or her compensation in return for the employer's promise to pay the employee at some time in the future.

**Dementia**

A mental disorder, usually brought on by a disease or trauma, in which the ability of a person to think, remember, perceive, or understand his or her circumstances is impaired. Alzheimer's disease and vascular dementia are two common types of dementia.

**Developmental disability**

A condition that begins before age 18, continues indefinitely, and causes a substantial handicap. Mental retardation, cerebral palsy, epilepsy, and autism are developmental disabilities, as are other conditions closely related to or treated like mental retardation. A person who has a physical disability but isn't also mentally disabled isn't developmentally disabled unless the person's handicapping condition is cerebral palsy or another of the conditions listed above.

**Disbursement**

A payment from the **conservatorship estate**.

**Discharge**

The court's order formally releasing a **conservator of the estate** from his or her duties and responsibilities and ending his or her liability on the **bond**.

**Domestic partner**

One of two persons who have chosen to join together in a relationship that meets all of the requirements of Family Code section 297, including the filing of a Declaration of Domestic Partnership with the California Secretary of State. The persons must share a common residence, must be at least 18 years of age, must agree to be jointly responsible for each other's basic living expenses, must not be married or a member of another domestic partnership, and must not be related by blood in a way that would prevent them from being married to each other in California. Persons of opposite sexes may form a domestic partnership if at least one of them is over the age of 62.

**Durable power of attorney**

A kind of **power of attorney** in which the powers granted to the **attorney in fact** survive the **principal's** incapacity or become effective only upon the principal's incapacity. A durable power of attorney that was created by a **conservatee** before a **conservator** was appointed cannot be revoked by a conservator without prior court approval.

**Durable power of attorney for health care**

A specific kind of **power of attorney** in which the **principal** authorizes the **attorney in fact** to make health care decisions for the principal. Because it is a **durable power of attorney**, it continues in effect or becomes effective when the principal loses capacity to make a health care decision. It is a type of

**advance health care directive** subject to strict requirements for format, content, and execution.

**Estate**

All assets owned by a **conservatee** that a **conservator of the estate** collects, manages, and is responsible for. The estate includes all income and benefits to which the conservatee is entitled, such as social security, public assistance, or a pension. The estate does not include salary or wages paid to a conservatee for his or her personal services, the **community property** of a married conservatee under the management of his or her capable wife or husband, or property held by the **trustee** of a trust.

**Exclusive authority**

The power a **conservator of the person** may be granted by the court to make health care decisions for the **conservatee** if the court decides that the conservatee has lost the capacity to make his or her own informed health care decisions. If the court has not granted exclusive authority to the conservator, the conservatee can make his or her own health care decisions. In that situation, the conservator can also make the decision. However, the decision of the conservator is not required and is not effective if the conservatee objects to the conservator's decision.

**Executor**

A person named in a will to carry out the will's directions and requests after the death of the person who signed the will (the *testator*), usually under the supervision of the **probate court** in a **decedent's estate** proceeding. The executor's main responsibilities are collecting and managing the testator's estate, paying his or her debts and death taxes, and distributing the remaining money and other property as directed by the will.

**File**

To give a document to the court clerk's office to be added to the court's file. The court's file in a conservatorship case contains the court's records of that case. When someone files an original document, he or she usually also provides a copy of it to the clerk. The clerk stamps the copy with a stamp that says "Filed" and the current date and returns it to the person who provided it. The copy, referred to as a **conformed** copy, is evidence that the original document was filed. A conformed copy of a document is often sufficient proof that the original has been filed, but when more formal proof is required, a **certified copy** must be used.

**Final account**

The last account and report filed by a **conservator of the estate** after his or her administration of the conservatorship



has ended by the **conservatee's** death, by the conservator's voluntary resignation approved by the court, by the conservator's **removal**, or by termination of the conservatorship and restoration of the conservatee's authority to handle his or her own affairs. See **account current**.

**General  
conservatorship**

A "regular" **probate conservatorship**, as opposed to a **limited conservatorship** for an adult with **developmental disabilities**.

**Guardianship**

A California court proceeding in which a judge appoints someone to care for a person under 18 years of age, to manage his or her property, or both. In some states, conservatorship of an adult is called guardianship, but not in California.

**Income**

Money or property paid to a **conservatorship estate** from any source on a one-time or periodic basis. This includes pension, public assistance, and social security payments; interest on savings accounts, notes, and bonds; and dividends on stock. It does not include salary or wages from the **conservatee's** employment or earnings from any other asset that is not part of the conservatorship estate.

**Individual  
Retirement  
Account (IRA)**

An account set up by an individual with institutions, including financial institutions such as banks and other kinds of institutions such as stockbrokers, into which money or property is placed for retirement. The money or property is placed in (*contributed to*) the account, the individual gets an income tax deduction for the contribution, and he or she is not required to pay taxes on any income earned by the money or property contributed until it is withdrawn after retirement. The contributions to the IRA or the income earned in the IRA can't be withdrawn from the account before the individual reaches retirement age without severe tax penalties.

**Inventory and  
Appraisal**

A list of all the assets owned by a **conservatee** at the time a **conservator** was appointed and an appraisal of their value on that date. The Inventory and Appraisal must be prepared by the **conservator of the estate** and filed with the court no later than 90 days after the conservator's appointment.



**Joint tenancy,  
joint tenant**

A form of joint ownership of assets, including bank accounts, stocks, and real estate, by two or more persons, each of whom is called a *joint tenant*. If one joint tenant dies, his or her portion of the property passes automatically to the remaining joint tenants, no matter what his or her will says. This feature is called the *right of survivorship* and is a means of avoiding a **decedent's estate** proceeding to transfer the property following the death of the first joint tenant.

**Judicial Council**

A state government body, chaired by the Chief Justice of the California Supreme Court, charged with improving the administration of justice in California's courts by performing a number of tasks. Prominent among them are development of the rules of practice and procedure known as the California Rules of Court, and creation and adoption of the official practice forms known as Judicial Council forms.

**Keogh plan**

A type of retirement plan similar to an **IRA** available to self-employed individuals.

**Lanterman-Petris-  
Short conservator-  
ship (LPS conser-  
vatorship)**

A conservatorship for persons gravely disabled, that is, unable to provide for their basic needs for food, clothing, and shelter, as the result of a mental disorder or chronic alcoholism. The term comes from the name of the 1969 law establishing California's system for involuntary psychiatric treatment of mentally ill persons and their placement in locked psychiatric hospitals. The law is named for the legislators who wrote it and led the fight for its passage. An LPS conservatorship shares some characteristics with a **probate conservatorship**, but there are also many differences. Among the latter is the requirement in LPS conservatorships that the initial **petition** for appointment of an LPS conservator must be filed by a government agency, usually a **public guardian**, although the petition may ask for the appointment of a private citizen.

**Letters of  
Conservatorship**

A **Judicial Council** form that identifies an appointed **conservator**, states that the conservator is authorized to act on the **conservatee's** behalf, and indicates that the conservator has **qualified** for the position. Also called *Letters*.

**Letters of Temporary Conservatorship**

A **Judicial Council** form that identifies an appointed **temporary conservator** and indicates that the temporary conservator has **qualified** for the position, states that the temporary conservator is authorized to act on the conservatee's behalf until the expiration date provided in the document, and identifies any additional powers granted to or restrictions placed on, the temporary conservator. Also called *Temporary Letters*.

**Life care**

A term referring to personal and health care provided to a person for a period longer than a year under a contract to provide it in exchange for an entrance fee or a monthly fee. Life care contracts are regulated by the Continuing Care Contracts Program of the California Department of Health Services.

**Limited conservatorship, limited conservator, limited conservatee**

A conservatorship for a **developmentally disabled** adult. The person appointed as conservator in this kind of proceeding is called a limited conservator and the person for whom the limited conservator has been appointed is called the limited conservatee.

**Living will**

A written **advance health care directive** in which a person gives instructions concerning his or her maintenance by means of artificial life support devices.

**Local court rules**

A superior court's instructions and requirements. These rules are in addition to state laws passed by the California Legislature and signed by the Governor, called **statutes**, which are sorted by subject matter and bound together in books called **codes**. Local court rules apply only in the superior court that adopted them. There are also rules of court, called the California Rules of Court, adopted by the **Judicial Council** and applicable to all California courts. Local court rules must be consistent with the California Rules of Court, and the California Rules of Court must be consistent with statute.

**Nondurable power of attorney**

Also called **regular** power of attorney. A kind of **power of attorney** that terminates upon the **principal's** incapacity. A **conservator of the estate** can revoke a nondurable power of attorney created by the **conservatee** without prior court approval.

<b>Ombudsman</b>	The California Department of Aging sponsors a Long-term Care Ombudsman Program with offices that serve each county. The ombudsman program advocates for the rights of people in long-term care facilities and responds to complaints about abuse .
<b>Petition</b>	A formal, written request, filed with a court, asking a judge to make a particular decision. For example, a petition may ask the court to appoint a <b>conservator</b> , to authorize a conservator to sell the <b>conservatee's</b> home, to require a conservatee to have medical treatment, or to settle an <b>account</b> and approve a report of a conservator. The term is also used as a verb, as in, to <i>petition</i> the court for an award of compensation.
<b>Petition and report</b>	The narrative portion of an <b>account and report</b> , containing a description of the conservatee's circumstances and any requests made for approval of the court but not including the <b>accounting</b> portion of the account and report.
<b>POD account</b>	A Pay on Death, or POD, account is a bank account. This kind of account has a named payee who will be entitled to collect whatever is in the account when the person who established the account dies, but has no rights in the account during that person's life. If a <b>conservatee</b> created the account, the named payee does not own the account or any of the money or other assets in it during the conservatee's lifetime. However, the conservator should not remove the named payee's name or withdraw any money or property from a POD account without the named payee's permission or a court order, because to do so might interfere with the conservatee's intended estate plan.
<b>Power of appointment</b>	A right given in a will or in a trust document to a person to designate who will receive some benefit under the will or the trust.
<b>Power of attorney</b>	<p>A written document in which a person (the <b>principal</b>) authorizes someone else (the <b>agent</b> or the <b>attorney in fact</b>) to act for the principal. A general power of attorney authorizes the agent to manage all of the principal's affairs. A limited power of attorney is more restrictive, for example, by setting a time limit before it expires, by limiting the agent to particular actions, or by authorizing the agent to manage only particular assets.</p> <p>There are <b>durable</b> and regular, or <b>nondurable</b>, powers of attorney. A nondurable power of attorney ends when the principal</p>

becomes legally incapacitated, or unable to handle his or her own affairs. A durable power of attorney stays in effect if the principal becomes incapacitated, or it can be set up to take effect only when the principal becomes incapacitated.

There are two types of durable powers of attorney: a durable power of attorney to manage financial affairs and a **durable power of attorney for health care**.

**Powers** A term that refers to the authority granted to a **conservator** to take certain actions for the benefit of the **conservatee** or the conservatee's **estate**.

**Principal** A person who creates a **power of attorney** that authorizes another person, the **attorney in fact** or *agent*, to act for the principal in financial matters or concerning the principal's health care decisions. The term is also used to refer to the assets held in a trust, to distinguish them from the income earned by the trust. See **trustee**.

**Probate conservatorship** The most common kind of conservatorship, defined and governed by statutes collected in the California Probate Code.

**Probate court** The department of each county's superior court that deals with **probate conservatorships**, **guardianships**, **decedent's estates**, and certain other kinds of matters. Unlike some states, California's probate court is a branch of the superior court, not a separate court.

**Probate investigator** See **court investigator**.

**Probate referee** A professional appointed by the California State Controller and assigned by a judge in the probate court to appraise the value of a **conservatee's** noncash **assets** listed on the **Inventory and Appraisal**.

**Psychotropic drugs** Prescription medicines used to alter cognition, mood, or behavior. These medicines are sometimes used to treat persons with **dementia**. You need specific prior court authority based on a strong showing to authorize the use of these drugs in the treatment of the **conservatee**. You may be able to obtain a list of psychotropic drugs from your county's Department of Mental Health Services.

<b>Public guardian</b>	A county agency authorized to accept appointment and to serve as conservator of a person living in the county. The public guardian is sometimes also called the public conservator.
<b>Qualify</b>	The term applied to the steps a proposed <b>conservator</b> must complete after he or she is appointed in order to receive <b>Letters of Conservatorship</b> . A <b>conservator of the estate</b> qualifies by obtaining and filing a <b>bond</b> . <b>Conservators of the person</b> and of the estate also must take an oath, sign a receipt for this handbook, and satisfy any local court requirements before they qualify.
<b>Receipts</b>	Cash or other assets received by a <b>conservatorship estate</b> other than those listed on the <b>Inventory and Appraisal</b> . Receipts must be reported to the court in periodic <b>accounts</b> . Receipts generally include all estate income.
<b>Reconcile, reconciliation</b>	The process of comparing your records of a bank account with the bank's records to verify the balance in the account as of a certain date.
<b>Record</b>	Registration of a document with a county recorder's office is called <b>recording</b> it. Recording a document gives the public some notice of its contents. Recording is generally used to establish the owners of interests in real property. Recording <b>Letters of Conservatorship</b> in a county where the <b>conservatee</b> owns an interest in real property gives notice of the existence of the conservatorship to any person attempting to deal with the real property and imposes a duty on that person to inquire further. The person is treated under the law as though he or she knew about the conservatorship even if he or she had no actual knowledge of it.
<b>Regional center</b>	A nonprofit agency that contracts with the State of California to provide or find services for people with <b>developmental disabilities</b> . These services include assessment, case management, advocacy for disabled persons' rights, job training, counseling, recreation, and personal care. There are 21 regional centers throughout the state.
<b>Removal</b>	A judge's withdrawal of a <b>conservator's</b> appointment. The court then appoints another person as successor conservator. The removed conservator is replaced involuntarily because the

court has determined that he or she isn't doing or isn't capable of doing the job right.

**Respite care** Temporary care provided to the conservatee to relieve his or her caregiver for brief periods.

**Revocable living trust** See **trustee**.

**Secured-perimeter residential care facility** A specialized kind of **care facility** designed for the treatment of persons with **dementia**, featuring secure outer fencing or locked exit doors. To place a **conservatee** in this kind of facility, the **conservator** must first establish and the court must find that the conservatee suffers from dementia, lacks capacity to consent to placement, and needs or would benefit from placement in this type of facility, and that this type of facility is the least restrictive placement appropriate for the conservatee's care.

**Separate property** See **community property**.

**SSI** Supplemental Security Income. SSI is an aid program, administered by the Social Security Administration, an agency of the federal government, for very low-income seniors and for disabled or blind persons of any age.

**Substituted judgment petition** A petition in a conservatorship proceeding in which the **conservator** or another person interested in the conservatorship requests the court to authorize or require the conservator to take certain kinds of proposed actions for the benefit of the **conservatee**, the **estate**, or those persons or organizations the conservatee would be likely to provide for or make gifts to. This kind of petition is used in a wide variety of situations. For example, a conservator may be authorized to sign a will or an amendment to a will for the conservatee, to revoke or amend a trust the conservatee had the authority to revoke or amend, or to make a gift from the conservatee's estate.

**Surety company** A specific kind of insurance company authorized by law to issue a **bond** to secure proper performance of the duties of a **conservator of the estate**. If the court finds that the estate has suffered a loss because of the intentional or negligent misconduct of its conservator, it can order the surety company to

make good the loss to the estate, up to the face amount of the bond. The surety company then seeks to collect the amount it has paid from the conservator's personal assets.

**Temporary conservator, temporary conservatorship**

A person or organization appointed by the court to handle the personal or financial affairs of a **conservatee** for a limited period of time while a **petition** for the appointment of a regular conservator is pending. The temporary conservator and the proposed regular conservator are usually the same person, but different people can also hold the two offices. The proposed regular conservator is sometimes referred to as a **permanent** conservator to distinguish him or her from the temporary conservator, but the regular conservator is only as permanent as the law allows and is always subject to **removal** by the court or to termination of the conservatorship by restoration of the conservatee's legal capacity. The appointment of a temporary conservator is a step in the regular conservatorship case or proceeding, but that portion of the larger proceeding is sometimes referred to as the temporary conservatorship.

**Temporary Letters**

See **Letters of Temporary Conservatorship**.

**Totten trust account**

A bank account in which a person is named as trustee for the benefit of one or more persons who will own the account when the conservatee dies. If the **conservatee** created the Totten trust account, its **beneficiary** doesn't own the account until the conservatee dies. As with the **POD account**, and for the same reason, the **conservator** should not change the account or withdraw money from it without the beneficiary's permission or a court order. Totten trusts are also known as *trustee bank accounts*.

**Trustee**

A trust is a way of owning assets. The trustee—a person or institution such as a bank—manages the assets held in the trust in the manner specified in the instrument creating the trust for the benefit of someone else, the **beneficiary**.

The **revocable living trust** is the most common type of trust seen today. It is a trust intended to take effect during the life of the person creating it (the **settlor** or **trustor**), but which he or she can cancel or modify at any time if he or she has the legal



capacity to do so. A **conservatee** in a **general conservatorship** is usually considered not to be capable of canceling or modifying a living trust, even though he or she retains the right to write a new will or to amend an existing will.

Revocable living trusts are created to avoid a **decedent's estate** proceeding after the settlor's death. The trust is, in effect, a substitute for a will. The settlor is often also the original trustee and is usually also a beneficiary of the current income from the assets held in the trust. Most revocable living trusts also authorize the trustee to provide for the settlor's support directly from the assets of the trust (the trust's **principal**), not just from the income earned by the assets. Many trusts also give the settlor the power to demand that the trustee pay or distribute all or parts of the trust's principal to the settlor.

A properly drafted trust agreement, or declaration of trust, appoints a successor trustee if the original trustee becomes incapable of handling his or her affairs and establishes a method of changing trustees without going to court. By the time you are appointed as **conservator**, the successor trustee of the conservatee's revocable living trust may have already taken over management of the trust. If he or she has not yet done so, you may be able to help him or her complete the steps necessary to become the acting trustee of the trust. Check with your lawyer first. **L**

If the conservatee created a revocable living trust, assets held in the trust, that is, title to which is held by the trustee, are not part of the **conservatorship estate**. They are dealt with as the trust instrument provides. However, the successor trustee will most likely have duties to the conservatee as beneficiary of the trust and may be the main source of the conservatee's support. You should develop a close working relationship with the trustee of any trust of which the conservatee is a beneficiary.

Under some circumstances, the conservator of the estate can, with prior approval of the court, exercise the conservatee's power, as settlor of the trust, to revoke or modify it or to compel distributions of trust principal from it. Steps of this kind require close consultation with your lawyer. **L**